



City of Seattle

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Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D.M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 2207794

**Applicant Name:** James Jessup for Nick Holt

**Address of Proposal:** 3123 Fairview Avenue East (KCA #694)

**SUMMARY OF PROPOSED ACTION**

Master Use Permit for the future construction of a (64) sixty-four sq. ft. addition to the northeast corner of an existing floating home.

The following Master Use Permit components are required:

**SEPA – Environmental Determination** – (Chapter 25.05 SMC)

**SEPA DETERMINATION:**      ☐ Exempt    ☐ DNS    ☐ MDNS    ☐ EIS

☐ DNS with conditions

☒ DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction.

**BACKGROUND DATA**

Existing Conditions

The subject site is located on Lake Union in an Urban Stable (US) shoreline environment on Fairview Avenue East just south of East Martin Street and north of East Allison Street. The existing float area for the subject floating home measures approximately 35 feet by 32 feet 6 inches, with a total area of approximately 1,137.5 square feet. The zoning designation of the site is Commercial 2 with a 40 foot height limit (C2 40'). The proposed work would occur on the

floating home itself, which is moored in Lake Union. The subject floating home moorage is non-conforming as to the development standards set forth in Section 23.60.196C of the Seattle Municipal Code.

### Area Development

The floating home is at the end of the dock which has 10 boat slips. There is a pier on the north side of the site which provides moorage for one boat. There is an existing office building on the dry land portion of the site. There are floating homes on the site to the north and there are boat moorages on the site to the south. The University Bridge and the Interstate 5 Bridge are located one block to the north of the site.

### Proposal

The applicant proposes to construct a storage room addition on the deck area of an existing floating home. The height of the proposed structure meets the maximum height requirement of 18 feet. Therefore, neither the existing float, nor the current footprint of the structure will be increased outside the boundary of the existing floating moorage.

### Public Comment

The comment period for the proposed project ended February 5, 2003 and no comment letters were received. However, Metro generally recommends that to protect the water quality of Lake Union, materials and construction methods should be used which prevent toxic materials, petrochemicals, and other pollutants from entering surface water during and after construction. The least toxic wood preservatives that are appropriate for fresh water should be used. Any construction debris which may enter the water shall be promptly removed.

### ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated December 5, 2002. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part: “Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,” subject to some limitations. Under such limitations/circumstances (SMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### Construction Noise Impacts

The SEPA Construction Impacts Policy (Section 25.05.675B SMC) lists mitigation measures for construction noise impacts. It is our conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is necessary to mitigate impacts that would result from the proposal on surrounding properties, because existing City ordinances do not adequately mitigate such impacts. This is due to the density of residential units in the area and the close proximity of these structures to the proposal site. The proposal is, therefore, conditioned to limit demolition and construction activity to non-holiday weekday hours between 7:30 a.m. and 6:00 p.m. After the structure is enclosed, interior construction may be done at other times with the written approval of the Land Use Planner.

### Height, Bulk, and Scale

The total height of the approximately 64 square foot addition to the existing floating home at eighteen feet (18 feet) will be the maximum allowed from the water surface. There is adequate separation between the floating home and the floating homes to the north, so solar access to those sites will not be obstructed. The appearance of bulk of the floating home will be reduced by design elements incorporated into the structure such as shingle siding and a pitched roof. There are a number of existing floating homes in the vicinity of a similar size and scale as the proposal. For these reasons, the proposed floating home at KCA #694 will not be out of scale with other floating homes in the vicinity, and no adverse impacts are expected related to bulk and scale.

### Water Quality Impacts

No disturbance of the lakebed sediments is expected since all work will be done above water. There is the potential for debris to enter the water during demolition and construction, so care will have to be taken to prevent this from occurring. In addition to the requirements set forth by 23.60.152 SMC, METRO's recommendations to protect the water quality for Lake Union shall also be followed as conditioned below.

### Conclusion

In conclusion, the proposed new addition to the floating home on the existing float will be consistent with the provisions of Chapter 23.60 SMC, also known as the Seattle Shoreline Master Program.

## **DECISION – SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this

declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

### **SEPA CONDITIONS**

The following conditions to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DCLU. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

#### **Prior to Issuance of a Construction Permit**

1. The owner(s) and/or responsible party(ies) shall notify in writing all contractors and sub-contractors of the following conditions. The owner(s) and/or responsible party(ies) shall be subject to the following:
  - a) The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards, and regulations of water quality management programs and regulatory agencies.
  - b) Best Management Practices shall be employed during the proposed over-water work as necessary to keep debris and deleterious material out of the water. The contractor shall include on the plans a written description of the BMPs that will be used during the proposed work, including the following:
    - A containment boom shall be deployed during the work to contain any debris that drops in the water during construction.
    - The boom shall be placed along the perimeter of the floating home before the proposed work begins. The boom shall be removed at the end of each day and then reinstalled before work begins the following day.

- If any deleterious material enters the water during the proposed work this material should be removed immediately, stored on site and then disposed of in the appropriate upland facility.
- If heavy (sinking) debris enters the water during the demolition work the location of the debris should be documented in a log to be kept through the duration of the project. When construction is complete a diver should retrieve all debris that has entered the water and sunk during the demolition work.

c) Provide on plan sets an emergency containment plan and procedures shall be developed for all toxic material that will be kept on site. All necessary equipment for containment and clean-up of this toxic material should be stocked on the site. A sufficient number of personnel, both during construction and during on-going operations, shall be trained in the proper implementation of this plan. Equipment for the transportation, storage, handling and application of oil, chemicals, or other hazardous materials shall be maintained in a safe and leak-proof condition to prevent release of this material into the water. If there is any evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.

#### During Construction

2. In order to further mitigate the noise impacts during demolition and construction, the owner(s) and/or responsible party(s) shall limit the hours of demolition and construction to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. This condition may be modified by the Department to permit work of an emergency nature or to allow low noise interior work after the shells of the structure are enclosed. This condition may also be modified to permit low noise exterior work after approval from the Land Use Planner.
3. The owner(s), builder(s), or responsible party(s) shall follow the BMPs developed to prevent debris and other deleterious material from entering the water during demolition and construction and to remove debris promptly if it does enter the water.
4. If treated wood is proposed this wood shall be professionally treated and completely cured using the best management practices developed by the Western Wood Preservers Institute (<http://www.wwpinstitute.org/>) before this wood is used for this project.
5. The use of wood treated with creosote or pentachlorophenol is prohibited.

Signature: (signature on file) Date: May 1, 2003  
Malli Anderson, Land Use Planner  
Department of Design, Construction and Land use